



FEDERAL BUREAU OF INVESTIGATION

Date of entry 09/19/2013

BRYAN BERARD, date of birth (DOB) [REDACTED] was interviewed at the United States Attorney's Office in Central Islip, NY. Also present during the interview were SA Josh Wayne of the IRS and AUSA's Carrie Capwell and Diane Leonardo. After being advised of the identity of the interviewing Agent and the nature of the interview, BERARD provided the following information:

PHIL KENNER asked BERARD to open a line of credit(LOC) at Northern Trust because he was having trouble securing funding for the Hawaii project through Lehman Brothers. KENNER wanted BERARD to move bonds he had at Charles Schwab to Northern Trust. KENNER explained that other players were doing the same thing and it would show Lehman Brothers that Little Isle IV had collateral.

KENNER had to pay interest on the Hawaii property until the Lehman Brothers' funding came through. The LOC would be used to pay the interest on the loans against the Hawaii property. BERARD was supposed to be notified by KENNER if the LOC was used. BERARD's bonds were valued at approximately 1.1 million dollars when he moved them to Northern Trust.

BERARD was under the impression from KENNER that his bonds were safe and would not be touched.

BERARD stayed at KENNER's house in Scottsdale, AZ before he testified in the OWEN NOLAN arbitration hearing. BERARD was prepped by attorney RONALD RICHARDS and KENNER during the 2 to 3 days he was in Arizona. On one occasion, BERARD, JASON WOOLEY, JOHN KAISER and KENNER met RICHARDS in the lobby of the W Hotel, where RICHARDS was staying. There was another player there, but BERARD could not recall the player's name. During the prep sessions, KENNER would talk about how KEN JOWDY stole all of their money and it was his fault they were in the position they were currently in. BERARD and the others were prepped during the day while at court and after court was finished for the day. KENNER would tell stories to refresh their memories on how things happened.

BERARD was told during the prep sessions that money invested for the Little ISLE IV project was sent to the Mexico project with JOWDY. BERARD believed that KENNER's NHL players invested approximately six million

Berard testified at trial that his money was not supposed to be touched, **Tr.3035-36** -- in opposition to his voluntary 2009 arbitration testimony, **Ex. 17**

Investigation on 09/12/2013 at Central Islip, NY, New York, United States (in person)

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dollars in Little Isle IV before Lehman Brothers came in and funded the project with 60 million dollars. KENNER did not tell them anything about money going to Mexico until after it had been sent there.

The letter does not exist...

JOWDY would pitch and bring Major League Baseball (MLB) players down to the Mexico project and KENNER would do the same with National Hockey League (NHL) players. For the most part, only NHL players invested in the Mexico project. KENNER would tell BERARD that both NHL and MLB players were investing in Mexico. After JOWDY and KENNER had a falling out, KENNER told BERARD that JOWDY lied to him because MLB players did not invest in the project.

Never happened...

At some point, BERARD received a Federal Express letter from Northern Trust explaining that his bond account was liquidated to pay off his LOC. When BERARD confronted KENNER, KENNER told him the Hawaii project needed the money, but his value in Little Isle IV increased by 1.1 million (the value of the bonds).

Approximately 4-5 years ago, BERARD was in Cabo San Lucas, Mexico with KENNER and another player, maybe TURNER STEVENSON. KENNER arranged a meeting with a representative from the Mexican police before BERARD left to go back to the United States. The meeting was in regards to a criminal investigation of JOWDY. Nobody showed up from the Mexican police. KENNER asked BERARD to sign a blank piece of paper before he went through security at the airport to leave Mexico.

Berard only had a \$650,000 LOC at the time, Ex. 1098

BERARD's friend from Boston MA, LANIE DONLAN, said KENNER would forge player's signatures at times when the player was unreachable and/or out of town. KENNER told DONLAN that he had permission from the players to sign their names.

During November 2008 through March 2009, BERARD played hockey professionally in the KHL in Russia. During this time frame, KENNER and TOMMY CONSTANTINE, usually through emails, pitched him the Global Settlement Fund (GSF). The GSF was created to raise money from the players so they could pursue JOWDY legally and to buy out disgruntle players/investors, ETHAN MOREAU, OWEN NOLAN and JOE JUNEAU. In late February or early March 2009, KENNER flew to RUSSIA to get money for the GSF from BERARD and CHRIS SIMON. KENNER waited for two days, but BERARD and SIMON did not get paid. The owner would pay them in cash and sometimes they would not get paid.

BERARD met CONSTANTINE around 2003, when BERARD was playing for the Chicago Blackhawks. KENNER told BERARD to meet with CONSTANTINE while CONSTANTINE was in Chicago visiting some people. BERARD and CONSTANTINE met at a bar and talked about business in general. CONSTANTINE's company,

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EUFORA did come up in their conversation. Over the years, BERARD also met with CONSTANTINE a few times while BERARD was in Arizona. During two off seasons, maybe 2005 and 2006, BERARD lived in Las Vegas. BERARD met KENNER and CONSTANTINE while he was Las Vegas.

BERARD would usually stay at KENNER's house in Scottsdale, AZ while he was in Phoenix. KENNER had a home office with two laptops. At least one of the laptops was a Mac. On one occasion, BERARD witnessed KENNER receiving a phone call from one of his player/clients. KENNER told the player he would call him right back. KENNER preceded to get an external hard drive and plug it into his laptop and then call the player back.

When BERARD returned from Russia in March or April 2009, he started to realize that KENNER was not legitimate. KENNER and CONSTANTINE asked him again for money to deposit in the GSF. BERARD didn't send money. He did on a few occasions, send KENNER 4 thousand dollars via Western Union when KENNER needed money while he was down in Mexico. One time, BERARD sent KENNER \$20,000. BERARD believed the money was for legal expenses against JOWDY and the Mexico project.

KENNER portrayed himself as someone who was worth big money and had money to invest in all the deals he pitched to BERARD. Every deal BERARD was pitched by KENNER, KENNER would tell him that he had his own money in the deal. KENNER told BERARD that he used cash to make his investments.

BARRY KLARBERG was an accountant at ASSANTE while KENNER was employed there. KLARBERG told BERARD that KENNER was fired from ASSANTE.

Berard gave the Nolan arbitration testimony voluntarily to support Kenner just a few weeks later verifying everything was legit...(Ex. 1012)